

subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor had possession of the claimed invention. Further, the Examiner rejected claims 1, 4, 6, 7, 12, 13, and 15 under 35 U.S.C. 102(b) as being anticipated by Engle, U.S. Patent No. 4,260,918. The Examiner also rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Engle in view of Birdwell, U.S. Patent No. 5,192,194. Finally, the Examiner rejected claim 14 under 35 U.S.C. 103(a) as being unpatentable over Engle in view of Douglas, U.S. Patent No. 3,325,659. These objections and rejections are respectfully traversed for the following reasons.

Applicant submits that the proposed drawing correction and the proposed substitute sheets of drawings, filed on 12/23/02 should be entered, as no new matter is introduced. "Information contained in any one of the specification, claims, or drawings of the application as filed may be added to any other part of the application without introducing new matter." MPEP 2136.06. The basis for outlets 70a-70d is found at least on page 3 of the as filed application:

"the outlets connecting the mechanical parts transmitting the mechanical power are ergonomically placed, guaranteeing an easy actuator installation next to walls;

"the outlets connecting electric supply and control connections are placed in such a way as not to interfere with the wiring resistance, thereby avoiding its kinking and the following stretching thereof;"

All references to outlets 70a-70d in the substituted specification filed 12/23/02 (paragraphs 10, 18, 21, and 23) merely rephrase the above passages from the as-filed application. "Mere rephrasing of a passage does not constitute new matter." MPEP

LAW OFFICES
FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNN, L.L.P.
1300 L STREET, N.W.
WASHINGTON, DC 20005
202-408-4000

2163.07 Thus, Applicant submits that the original disclosure supports outlets 70a-70d. Accordingly, the proposed drawing correction previously filed should be entered.

The Examiner also rejected claims 1, 4, 6-8, and 12-15 under 35 U.S.C. 112, first paragraph. As claims 1, 4, 6-8, 12, 13, and 15 are cancelled, Applicant submits that the rejection as to these claims is moot. Applicant submits that claim 14 does not contain subject matter which was not described in the as-filed specification. For at least those reasons discussed in regard to the proposed drawing corrections, outlets 70a-70d have been adequately described in the as-filed application. Thus, Applicant submits that the rejection should be withdrawn the substitute specification entered.

The Examiner rejected claims 4 and 15 under 35 U.S.C. 112, second paragraph as indefinite. As these claims have been cancelled, Applicant submits that the rejection is moot.

The Examiner rejected claims 1, 4, 6, 7, 12, 13, and 15 under 35 U.S.C. 102 (b) as being anticipated by Engle. As these claims have been cancelled, Applicant submits that the rejection is moot.

The Examiner rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Engle in view of Birdwell. As this claim has been cancelled, Applicant submits that the rejection is moot.

Finally, the Examiner rejected claim 14 under 35 U.S.C. 103(a) as being unpatentable over Engle in view of Douglas. To establish *prima facie* obviousness, "all the claim limitations must be taught or suggested by the prior art." MPEP 2143.03. Applicant submits that the combination of references fails to teach or suggest at least the following limitations of independent claim 14 as amended: a first threaded coupling

having left-handed threading located between the cylindrical mantle and the flange; and a second threaded coupling having right-handed threading located between the cylindrical mantle and the circular plug. In the Office Action, the Examiner conceded that Engle does not show the left- and right-handed threading. Douglas teaches threadings 51 and 53 for attaching caps 38 and 52, respectively, to housing 10. Douglas 3:60-4:11. Douglas does not, however, teach or suggest using right-handed threading on one end, and left-handed threading on the opposite end of the housing. The oppositely threaded couplings of claim 14 allow the anti-deflagrating operating actuator to be assembled while avoiding wiring impairment through kinking and stretching. Douglas teaches an explosion-proof hand-held instrument with a battery 56 fully enclosed within housing 11. Because the power supply taught by Douglas is internal, there is no need to provide a means to avoid kinking and stretching of external wiring. Thus, the combination of references fails to teach or suggest all the limitations of claim 14. Accordingly, Applicant submits that claim 14 is allowable and the rejection under 35 U.S.C. 103(a) should be withdrawn.

Because claim 16 depends directly from independent claim 14, Applicant submits that this claim is allowable for at least the same reasons given above based on dependency.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 14 and 16 in condition for allowance. Applicant submits that the proposed amendments of claims 14 and 16 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in

the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal. should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

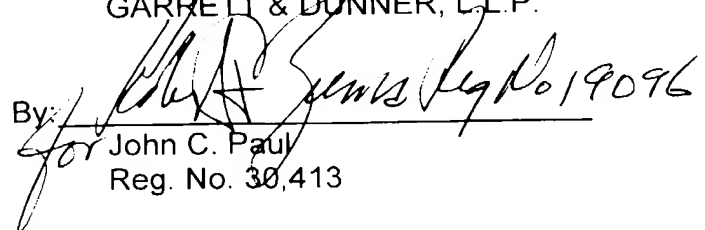
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 14, 2003

By:


for John C. Paul
Reg. No. 30,413